

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF  
MASSACHUSETTS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
KATHLEEN SEBELIUS, Secretary of the  
United States Department of Health and  
Human Services; UNITED STATES  
DEPARTMENT OF VETERANS AFFAIRS;  
ERIC K. SHINSEKI, Secretary of the United  
States Department of Veterans Affairs; and  
the UNITED STATES OF AMERICA,

Defendants.

Civ. A. No. 1:09-11156-JLT

**DEFENDANTS' ASSENTED-TO MOTION FOR STAY OF INJUNCTIVE RELIEF  
PENDING APPEAL**

Defendants respectfully move the Court for a stay pending appeal of the injunctive relief entered by the Court in its judgment in this action [Docket No. 63], to which Plaintiff has provided its assent. A proposed form of Order for the stay pending appeal to be entered in this action is attached hereto.

Dated: August 18, 2010

Respectfully submitted,

FOR PLAINTIFF:

FOR DEFENDANTS:

COMMONWEALTH OF  
MASSACHUSETTS  
ATTORNEY GENERAL  
MARTHA COAKLEY

TONY WEST  
Assistant Attorney General

CARMEN M. ORTIZ  
United States Attorney

*Allowed*  
*Tam* 8/24/10

/s/ Maura T. Healey

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Maura T. Healey, BBO No. 640856  
Jonathan B. Miller, BBO No. 663012  
Christopher K. Barry-Smith, BBO No. 565698  
Jessica Lindemann, BBO No. 675722  
Assistant Attorneys General  
One Ashburton Place  
Boston, MA 02108  
Tel: (617) 727-2200  
Fax: (617) 727-5762  
[Maura.Healey@state.ma.us](mailto:Maura.Healey@state.ma.us)  
[Jonathan.Miller@state.ma.us](mailto:Jonathan.Miller@state.ma.us)  
[Cbarry-Smith@state.ma.us](mailto:Cbarry-Smith@state.ma.us)  
[Jessica.Lindemann@state.ma.us](mailto:Jessica.Lindemann@state.ma.us)

Attorneys for Plaintiff

ARTHUR R. GOLDBERG  
Assistant Director, Federal Programs Branch

/s/ Christopher R. Hall

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CHRISTOPHER R. HALL  
D.C. Bar No. 468827  
Trial Attorney, U.S. Department of Justice  
Civil Division, Federal Programs Branch  
P.O. Box  
Washington, D.C. 20044  
Telephone: (202) 514-4778  
Facsimile: (202) 616-8470  
[Christopher.Hall@usdoj.gov](mailto:Christopher.Hall@usdoj.gov)

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”) and paper copies will be sent to those indicated as non-registered participants on August 18, 2010.

/s/ W. Scott Simpson

for

CHRISTOPHER R. HALL

Trial Attorney

United States Department of Justice

20 Massachusetts Avenue, N.W.

Washington, D.C. 20530

Telephone: (202) 514-4778

Fax: (202) 616-8470